



1647

Applicant: McDONALD et al.

Serial No.: 09/360,242

Filed: July 22, 1999

For: **METHODS AND COMPOSITIONS FOR
TREATING SECONDARY TISSUE DAMAGE
AND OTHER INFLAMMATORY
CONDITIONS AND DISORDERS**

Art Unit: 1647

Examiner: Landsman, R.

I hereby certify that this paper and the attached
papers are being deposited with the United States
Postal Service as first class mail in an envelope
addressed to:

Commissioner for Patents
Washington, D.C. 20281, on this date.

11/13/01
Date

Stephanie Seaman

RECEIVED

FEB 04 2002

TECH CENTER 1600/2900

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action, mailed August 23, 2001, consideration
of the following remarks are respectfully requested.

REMARKS

Any fees that may be due in connection with this paper or with this
application may be charged to Deposit Account No. 50-1213. If a Petition for
extension of time is needed, this paper is to be considered such Petition.

Claims 26-29, 31, 32, 34-38, 40, 42, 44-46, 48-54, 57 and 65-87, are
presently pending in this application.

THE REJECTION OF CLAIMS 25-38, 40 and 42-64 UNDER 35 U.S.C. §103(a)

Claims 26-29, 31, 32, 34, 48, 40, 42, 44-46, 48-54, 57 and 65-87 are
rejected under 35 U.S.C. §103(a) as being unpatentable over Ogata *et al.*
(1989), in view of Volk *et al.* (1994) and applicant's alleged admission (Table 3
Paper 25) because Ogata *et al.* teaches the production of a targeting agent
(cytokine-IL-4) linked to a targeted agent (toxin), but does not teach the use of
this conjugate in treating disorders. It is urged that Volk *et al.* teaches a method
of treating an inflammatory response using a conjugate comprising a chemokine
[sic] targeting agent and a targeted agent (IL2-PE40), and Table 3 teaches that